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Crl.OP.No.32187 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

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THE HONOURABLE JUSTICE **K.RAJASEKAR**

Crl.O.P.No.32187 of 2025

1.Arun
2.Ramesh
3.Kumarasami @ Kumar ... Petitioners
Vs.

State of Tamilnadu rep by
The Station House Officer,
Sankarapuram Police Station,
Kallakurichi District. ... Respondent
(Cr.No.586 of 2025)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.586 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Balamanikandan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners, who was arrested and remanded to judicial custody on
25.09.2025, for the offences punishable under Section 8(c), 20(b)(ii)(c),
29(1) of NDPS Act in Crime No.586 of 2025, registered on the file of the
respondent police, seeks bail.



WEB COPY

2. The allegations against the petitioners is that the Inspector of Police attached with the respondent station received the 'information', regarding the illegal transportation of Narcotic drugs. Hence the police party reached the place called Kaduwanur Kappu Kadu (reserve forest) and petitioners were standing. Immediately the police party surrounded them and after complying the various provisions of NDPS Act, recovered contraband from A1- 8.110 kgs of Ganja, from A2- 7.380 kgs of Ganja and from A3- 7.070 kgs of Ganja and seized the same under the Mahazar and they were all arrested.

3. Learned counsel appearing for the petitioners submitted that the petitioners are all innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 25.09.2025 and they were in continuous incarceration and there is no link between the three persons and each contraband has to be separately considered for the purpose of determining the quantity involved in this case and separate seizure is also effected and as such, Section 37 of NDPS Act is not applicable. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reported that totally five



Crl.OP.No.32187 of 2025

accused in this case and these persons travelled from Vijayawada to Kallakurichi by public transport bus and after getting down, they went near reserve forest for the purpose of selling the same to two other accused who was supposed to come and collect it. However, before the two other accused reach the place, the police party, on information recovered 22 kgs and though it is stated that separate seizure ought to have effected, the presence of the petitioners is an odd act and that they were in conscious possession and they were aware about the possession of ganja with the other persons. Section 37 is applicable in this case. Hence, he strongly opposed to grant bail to the petitioner.

5. I have gone through the FIR and other connected materials, which revealed that the petitioners, all three were found with ganja in a lonely place near the forest and it is also stated that they all travelled together from Vijayawada to Kallakurichi and they were about to handover the same to other accused. Further, investigation is still pending. Hence, I am not inclined to grant bail. As of today, there is prima facie material to show that the contraband that has been seized is a commercial quantity. Accordingly, this Criminal Original Petition is dismissed.

02.12.2025

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3/4



Crl.OP.No.32187 of 2025



To
WEB COPY

1.The Station House Officer,
Sankarapuram Police Station,
Kallakurichi District.

2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.OP.No.32187 of 2025

K.RAJASEKAR, J.

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Crl.O.P.No.32187 of 2025

02.12.2025